

Appl. No. 10/629,099

Reply dated December 01, 2005

Reply to Office Action of August 01, 2005

### **REMARKS/ARGUMENTS**

Claims 1-11, 13-18, 24, 26-34 and 37 are presented for Examiner Torres Velazquez's consideration. Claims 12, 19-23 and 25 were previously canceled. Please amend claim 1 as shown on the attached listing. Support for the amendment may be found in claim 36 as originally filed, for example, and/or in the specification at page 20 lines 12-19. Please cancel claims 35 and 36.

Pursuant to 37 C.F.R. § 1.114, reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested.

Applicants thank Examiner Torres Velazquez for including in the Office Action mailed August 01, 2005 signed copies of the initialed Forms PTO-1449 sent with Applicants' Information Disclosure Statements mailed January 13, 2004.

By way of sections 3 and 4 of the Office Action mailed August 01, 2005, the Examiner rejected claims 1-18, 24 and 26-37 under 35 U.S.C. § 103(a) as allegedly being obvious to one of ordinary skill in the art at the time the invention was made and thus unpatentable over US 2004/0023586A1 to Tilton (hereinafter "Tilton") in view of U.S. Pat. No. 5,841,081 to Thompson (hereinafter "Thompson") and further in view of U.S. Pat. No. 5,759,926 to Pike et al. (hereinafter "Pike et al."). This rejection is traversed to the extent it may apply to the currently presented amended claims.

The invention as claimed in currently amended claim 1 is directed to an acoustical insulation material comprising a first layer comprising a nonwoven web having a density of at least 50 kg/m<sup>3</sup> and comprising thermoplastic fibers having an average fiber diameter of less than about 7 microns, a second layer comprising a high loft material, and a third layer comprising a nonwoven web having a density of at least 50 kg/m<sup>3</sup> and comprising thermoplastic fibers having an average fiber diameter of less than about 7 microns, wherein the third layer is attached to the second layer.

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Even if one skilled in the art were to combine Tilton, Thompson and Pike et al., Applicants submit that that combination would still fail to disclose each and every element of the Applicants' claims as currently amended. As a specific example, although claim 36 was included in this rejection, the Examiner does not appear to have specifically shown the combination to include a high loft material having on either side a first and third nonwoven layer (each having a density of at least  $50 \text{ kg/m}^3$ ). Nor does the combination appear to disclose such a laminate, and Applicants note that the three-layer laminates shown in Tilton are shown constructed with a single meltblown layer 14 that is central to the laminate. Applicants therefore respectfully submit that the rejection of under 35 U.S.C. § 103(a) over Tilton, further in view of Thompson, and still further in view of Pike et al. should be withdrawn.

By way of sections 5 and 6 of the Office Action mailed August 01, 2005, the Examiner rejected claims 1, 2, 32-34 and 36 for obviousness-type double patenting over U.S. Pat. No. 6,669,265 (hereinafter "U.S. '265") in view of the above-mentioned Pike et al. This rejection is **traversed**. The Examiner stated that the insulator of U.S. '265 comprises most of the limitations of the claims. However, Applicants believe this can be clearly shown to be an incorrect assessment. Although not stated by the Examiner, it would appear that the Examiner must be equating the "relatively higher density skin" on the fibrous material of U.S. '265 with Applicants' claimed first layer and/or third layer (nonwoven web having a density of at least  $50 \text{ kg/m}^3$ ). However, these can not be equated with one another. As stated in U.S. '265, the higher density skin is actually a part of the fibrous layer itself which is produced by heat searing the fibrous layer. Indeed, U.S. '265 explicitly states that it is not a laminate material. Please see, for example, the Abstract and Summary of U.S. '265. Therefore, Applicants respectfully submit that the double patenting rejection over U.S. '265 in view of Pike et al. should be withdrawn.

Also by way of sections 5 and 6 of the Office Action, the Examiner rejected claim 36 for obviousness-type double patenting over U.S. Pat. No. 6,893,711 (hereinafter "U.S. '711") in view of U.S. Publications 2004/0023586 and 2004/0002274 and the above-mentioned Pike et al. Although claim 36 is canceled by this paper, the subject matter of claim 36 is

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incorporated into currently-amended claim 1 and therefore this rejection is still relevant. However, Applicants respectfully request that this rejection be held in abeyance with respect to the present application until such time as the presence of allowable subject matter is indicated.

For the reasons stated above, it is respectfully submitted that all of the claims are in form for allowance.

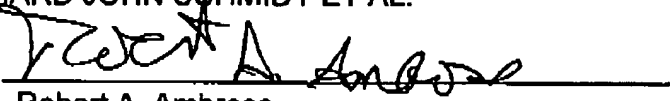
Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: 770-587-8908.

Respectfully submitted,

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#### CERTIFICATE OF FACSIMILE TRANSMISSION

I, Robert A. Ambrose, hereby certify that on December 01, 2005, this document is being faxed to the United States Patent and Trademark Office, central facsimile machine at (571) 273-8300.

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